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HON. HARRY H. KUTNER, SR.

JUSTICE, SUPREME CT. (DEC'D.)

February 2, 2023

VIA ECF ONLY

Hon. Joan M. Azrack  
U.S. District Judge  
100 Federal Plaza  
Central Islip, New York 11722-4438

Re: KUTNER, etc. v. COUNTY OF NASSAU, et al.  
CV # 22-7530

Honorable Madam:

Thank you for accommodating my request for a telephone conference. It is greatly appreciated.

In light of the conference next week, and if it is then decided that the Order to Show Cause should be signed, the within *revised* version is submitted. It adds a new second relief addressed to defendants' unique (not any other N.Y. Counties) licensing procedures which are *ultra vires* under the First and Second Amendments, and also under the N.Y. State Constitution in that they were not authorized by the Legislature in the new CCIA Penal Law Article 400 ("preemption").

The new relief reflects the *Antonyuk* orders of Judge Suddaby, the Second Circuit, and the Supreme Court.

The Court's understanding and consideration are appreciated.

Respectfully submitted,



Harry H. Kutner, Jr.

HHK/pm

cc: Ralph J. Reissman, Esq.  
Attorney for defendants